

413 In re application of: Flemming BRIX  
Serial No.: 10/509,815  
Filed: April 13, 2005  
For: WEIGHING MACHINE  
Attorney Docket No.: U 015388-7

Commissioner for Patents  
P.O. BOX 1450  
Alexandria, Va. 22313

PATENT  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Group No.: 2841  
Examiner: N/A

COMPLETED

Sir:

REQUEST FOR REFUND

Deposit Account 12-0425 was charged \$130.00 for oath or declaration after thirty months from priority (Fee Code 1617) on May 17, 2005 (Control No. 4). However, a Written Assertion of Small Entity was filed on December 15, 2004 and the fee should have been small entity \$65.00.

Refund of the overcharge of \$65.00 to Deposit Account 12-0425 is requested.  
Respectfully submitted,

William R. Evans  
LADAS & PARRY LLP  
26 WEST 61<sup>ST</sup> STREET  
NEW YORK, NY 10023  
REG. NO.: 25858 (212) 708-1930

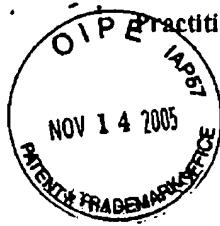
CERTIFICATE OF MAILING (37 CFR 1.8a)

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William R. Evans  
(Type or print name of person mailing paper)  
(Signature of person mailing paper)

Date: August 4, 2005

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COMPLETED

10/509815  
CHAPTER II

IN THE UNITED STATES ELECTED OFFICE (EO/US)

INTERNATIONAL APPLICATION NO. PCT/DK03/00224	INTERNATIONAL FILING DATE 7 APRIL 2003	PRIORITY CLAIMED 7 APRIL 2002
TITLE OF INVENTION WEIGHING MACHINE		
APPLICANT(S) FLEMMING BRIX		

Mail Stop16  
Director of the United States Patent and Trademark Office  
P. O. Box 1450  
Alexandria, VA 22313-1450

ATTENTION: EO/US

REQUEST FOR REFUND (37 C.F.R. 1.28(a))  
FOR INTERNATIONAL APPLICATION ENTERING U.S. NATIONAL STAGE  
IN U.S. ELECTED OFFICE (EO/US) UNDER 35 U.S.C. 371

NOTE: 37 C.F.R. § 1.28(a): "(a) Refund based on later establishment of small entity status. A refund pursuant to § 1.26, based on establishment of small entity status, of a portion of fees timely paid in full prior to establishing status as a small entity may only be obtained if an assertion under § 1.27(c) and a request for a refund of the excess amount are filed within three months of the date of the timely payment of the full fee. The three-month time period is not extendable under § 1.136. Status as a small entity is waived for any fee by the failure to establish the status prior to paying, at the time of paying, or within three months of the date of payment of, the full fee."

CERTIFICATION UNDER 37 C.F.R. 1.10\*  
(Express Mail label number is mandatory:  
(Express Mail certification is optional.)

I hereby certify that this Request for Refund and the papers indicated as being transmitted therewith are being deposited with the United States Postal Service, on this date, December 15, 2004 in an envelope as EXPRESS MAIL POST OFFICE TO ADDRESSEE" Mailing Label Number EV 481671968 US, addressed to the: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

GERALDINE MARTI  
(type or print name of person mailing paper)  
  
Signature of person mailing paper

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(j). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

## I. SUBMISSION OF SMALL ENTITY STATEMENT

(complete (a) or (b))

(a)  Attached is a Statement or Written Assertion claiming small entity status in this application.

(b)  A Statement or Written Assertion claiming small entity status was filed in this application on \_\_\_\_\_

## II. REFUND REQUEST

This request for refund is made within three months of the date a fee was paid in this application on SEPTEMBER 30, 2004 in the amount of \$ 1,080.00.

## III. FEES PAID FOR WHICH REFUND REQUESTED

	AMOUNT OF REFUND REQUESTED
<input checked="" type="checkbox"/> Filing fee under 37 C.F.R. 1.492	<u>540.00</u>
<input type="checkbox"/> Fees for claims under 37 C.F.R. 1.492(b), (c) or (d)	<u>                  </u>
<input type="checkbox"/> Surcharge for filing the oath or declaration on the date later than 30 months from the earliest priority date (37 C.F.R. 1.492(e))	<u>                  </u>
<b>TOTAL REFUND REQUESTED</b>	<b><u>540.00</u></b>

## IV. MANNER OF REFUND

Crediting Account No. 12-0425  
 Refunding overpayment

### SIGNATURE OF PRACTITIONER

Reg. No. 25,858

WILLIAM R. EVANS  
(type or print name of practitioner)

Tel. No.: (212)708-1930

Customer No.00140

P.O. Address

c/o Ladas & Parry LLP  
26 West 61<sup>st</sup> Street  
New York, N.Y. 10023

**IN THE UNITED STATES ELECTED OFFICE (EO/US)**

INTERNATIONAL APPLICATION NO. <u>PCT/DK03/00224</u>	INTERNATIONAL FILING DATE <u>7 APRIL 2003</u>	PRIORITY CLAIMED <u>7 APRIL 2002</u>
TITLE OF INVENTION <u>WEIGHING MACHINE</u>		
APPLICANT(S) <u>FLEMMING BRIX</u>		

Mail Stop16  
Director of the United States Patent and Trademark Office  
P. O. Box 1450  
Alexandria, VA 22313-1450

**ATTENTION: EO/US**

**WRITTEN ASSERTION OF SMALL ENTITY STATUS**

This is written assertion on the basis of:

- personal knowledge;
- applicant's letter of \_\_\_\_\_;
- applicant's agent's letter of DECEMBER 13, 2004 or
- other \_\_\_\_\_

by a practitioner (not necessarily of record) that the above application is entitled to small entity status and, therefore, fees.

**CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10\***  
(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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**37 C.F.R. 1.10\***

- with sufficient postage as first class mail.
- as "Express Mail Post Office to Address"  
Mailing Label No. EV 481671968 US  
(mandatory)

**TRANSMISSION**

- transmitted by facsimile to the Patent and Trademark Office to (703) 872-9306

Date: December 15, 2004

Signature

GERALDINE MARTI  
(type or print name of person certifying)

\*WARNING: Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement

**NOTE:** "To establish small entity status after the payment of the basic filing or national stage fee as a non-small entity, a written assertion of small entity status is required to be submitted." Notice of September 8, 2000, 65 Fed. Reg. 54604, at 54609.

**NOTE:** 37 C.F.R. § 1.27(c)(1): "Assertion by writing. Small entity status may be established by a written assertion of entitlement to small entity status. A written assertion must:

- (i) Be clearly identifiable;
- (ii) Be signed (see paragraph (c)(2) of this section); and
- (iii) Convey the concept of entitlement to small entity status, such as by stating that applicant is a small entity, or that small entity status is entitled to be asserted for the application or patent. While no specific words or wording are required to assert small entity status, the intent to assert small entity status must be clearly indicated in order to comply with the assertion requirement."

**NOTE:** 37 C.F.R. § 1.27(c)(2): "Parties who can sign and file the written assertion. The written assertion can be signed by:

- (i) One of the parties identified in § 1.33(b) (e.g. an attorney or agent registered with the Office). § 3.73(b) of this chapter notwithstanding, who can also file the written assertion;
- (ii) At least one of the individuals identified as an inventor (even though a § 1.63 executed oath or declaration has not been submitted), notwithstanding § 1.33(b)(4), who can also file the written assertion pursuant to the exception under § 1.33(b) of this part; or
- (iii) An assignee of an undivided part interest, notwithstanding §§ 1.33(b)(3) and 3.73(b) of this chapter, but the partial assignee cannot file the assertion without resort to a party identified under § 1.33(b) of this part."

35 C.F.R. § 1.33(b):

(b) *Amendment and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:*

- (1) *A registered attorney or agent of record appointed in compliance with § 1.34(b);*
- (2) *A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34(a);*
- (3) *An assignee as provided for under § 3.71(b) of this chapter; or*
- (4) *All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.*

Respectfully submitted,

\_\_\_\_\_  
William R. Evans  
c/o Ladas & Parry LLP  
26 West 61<sup>st</sup> Street  
New York, N.Y. 10023

December 15, 2004

U 015388-7

IN RE: FLEMMING BRIX  
INT'L. APPLN. NO.: PCT/DK03/00224  
INT'L. FILING DATE: 7 APRIL 2003  
PRIORITY DATE CLAIMED: 7 APRIL 2002

For: WEIGHING MACHINE

REQUEST FOR REFUND (37 CFR 1.28(a)) FOR INTERNATIONAL APPLICATION  
ENTERING U.S. NATIONAL STAGE IN U.S. ELECTED OFFICE (EO/US) UNDER 3  
USC 371: WRITTEN ASSERTION OF SMALL ENTITY STATUS.

Filed \_\_\_\_\_

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Flemming BRIX

Serial No.: 10/509,815

Group No.:

Filed: September 30, 2004

Examiner:

For: WEIGHING MACHINE

Attorney Docket No.: U 015388-7

Commissioner for Patents  
P.O. BOX 1450  
Alexandria, Va. 22313  
Sir:

REQUEST FOR REFUND

Deposit Account 12-0425 was charged \$290.00 for multiple dependent claims (Fee Code 1616) on March 30, 2005 (Control No. 1).

However, no claim fee charge was authorized and according to 37 CFR 1.492(g), if additional fees are required they only must be paid prior to the expiration of the term period set for reply by the Office in any Notice of Fee deficiency, which has not issued.

In the meantime, a Preliminary Amendment cancelling the multiple dependent claims (copy attached) was filed on Completion of the Filing Requirements on April 13, 2005. A copy of the acknowledgement postcard stamped by the Patent Office is attached.

Therefore, refund of the total charges of \$290.00 by credit to Deposit Account 12-0425 is requested.

Respectfully submitted,

William R. Evans  
LADAS & PARRY LLP  
26 WEST 61<sup>ST</sup> STREET  
NEW YORK, NY 10023  
REG. NO.: 25858 (212) 708-1930

CERTIFICATE OF MAILING (37 CFR 1.8a)

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Clifford J. Mass  
(Type or print name of person mailing paper)

Date: June 24, 2005



DEP & REF

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Flemming BRIX

Serial No.: 10/509,815 Group No.: 2841

Filed: April 13, 2005 Examiner:

For: WEIGHING MACHINE

Attorney Docket No.: U 015388-7

Director of the United States Patent and Trademark Office  
P. O. Box 1450  
Alexandria, VA 22313-1450

Attention: Rita White  
PCT-National

THREE RENEWED REQUESTS FOR REFUND

This is THREE Renewed Requests for Refund.

*Complete*  
A REQUEST FOR REFUND of \$540.00 was filed December 15, 2004, on the basis of a Written Assertion. Copies of the REQUEST FOR REFUND, Written Assertion, their postcard receipt and their Express Mail Receipt EV 481671968 are attached.

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)

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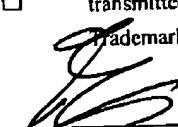
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Date: November 9, 2005

FACSIMILE

transmitted by facsimile to the Patent and Trademark Office to (571) 273-8300

  
Signature

William R. Evans  
(type or print name of person certifying)

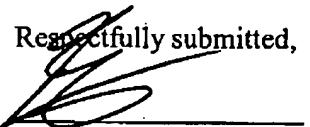
Another REQUEST FOR REFUND of \$290.00 was filed on June (24) 27, 2005. A copy with a copy of its postcard receipt is attached.

*Complete*

Yet another REQUEST FOR REFUND of \$65.00 was filed on August (4) 8, 2005. A copy with a copy of its postcard receipt is attached.

Please credit the three refunds (\$540 + \$290 + \$65 = \$895) to deposit account 12-0425.

Respectfully submitted,

  
\_\_\_\_\_  
William R. Evans  
c/o Ladas & Parry LLP  
26 West 61<sup>st</sup> Street  
New York, New York 10023  
Reg. No. 25858  
Tel. No. (212) 708-1930

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